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LEGISLATIVE NOTES AND REVIEWS

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State Police. During the last few years there has been considerable legislation relating to state police in widely distributed sections of the United States, and also in the Canadian provinces of Alberta and Manitoba. In addition to state agents for the enforcement of particular laws, such as those relating to labor or the protection of fish and game, there are now fifteen states with a small police force of a more general character.

Precedents for a centralized police are to be found in the gendarmes in the countries of continental Europe, the royal Irish constabulary, and (more closely resembling the recent developments in the United States) the Australian trooper police, dating from 1825, the Canadian mounted police, established in 1873, and the British South Africa police, organized in 1897. Similar forces of constabulary have also been established in the Philippine Islands and in Porto Rico.

In the United States, the Massachusetts district police, established in 1865 and reorganized in 1879, perform mainly detective functions. In South Carolina, a force of state constables was provided to enforce the state liquor laws in connection with the dispensary system (1896). Connecticut in 1903 also organized a small body of state detective police.¹

The Texas rangers, organized in 1901, had more active functions, the suppression of disorder and the protection of the Mexican frontier. Similar bodies were established in Arizona in 1903, and in New Mexico in 1905. The Pennsylvania state constabulary, organized in the latter year, was a larger and more important force, whose success has had much to do with the recent legislation in other states.

In 1917, the New York state troopers were established,² and South Dakota provided for a state constabulary, composed of the sheriffs and deputy sheriffs, under a state sheriff appointed by the governor. In 1918, a South Carolina law provided for a force of county police in

¹ J. A. Fairlie, *Local Government in Counties, Towns and Villages*, p. 269; J. M. Mathews, *Principles of American State Administration*, p. 444.

² *American Political Science Review*, Vol. 11, p. 539 (1917).

one county. In 1919, state police forces were organized in Alabama, Tennessee, Connecticut, Michigan and West Virginia; and Pennsylvania and Texas reorganized the state constabulary and rangers.

In the southern states, three distinctly different police systems have been devised. In South Carolina, a rural police system was established, in 1918, for Greenwood County. All magistrates' constables were abolished, and their duties devolved upon the county police. The county is divided into three police districts, for each of which one policeman is appointed by the governor of the state, for a term of two years at a salary ranging from \$1100 to \$1200 a year. The county policemen are placed under the direction and control of the sheriff of the county "in all matters connected with their police duties."³ The sheriff is required to confer and advise with the policemen at least once a month, and the policemen are required to make a weekly report to the sheriff. Under the general direction and control of the sheriff, it is the duty of the policemen "to patrol the entire county, especially the rural districts, and to prevent or detect and prosecute for all violations of the criminal law, making arrests for suspected crime whether upon view or immediate information or complaint, and report their acts and doings, and all known or suspected violators of the law to the sheriff once a week." Also, each policeman must patrol his own particular district at least twice a week and each policeman must be on duty at least ten hours every day. Furthermore, "they shall frequent railroad depots, stores and other places of a public character where disorder is probable, or vagrants may be loafing, or alcoholic liquors are sold or used, and as often as practicable, ride by houses that are off the public highways, and in lonely parts of the county, especially such as are without male protectors." They are especially to prevent drunkenness, boisterous conduct, obscene or profane language, carrying weapons contrary to law, trespassing on lands without the permission of the owner, gambling, vagrancy, and violation of the child labor law. The county police "shall have authority to summon the *posse comitatus* to assist in enforcing the law, and any citizen who shall fail to respond or render assistance, when so summoned, shall be guilty of a misdemeanor."

The Alabama state police as constituted by the legislature of 1919, is regulated in much the same manner as the state militia in the service of the United States. The governor is empowered to call "to his aid and to the aid of the local peace authorities, such number of police,

³ South Carolina, *Session Laws* (1918), p. 741.

patrolmen, or police officers of any town or city as he may deem necessary, and to order them to the locality where needed, to preserve the peace, and arrest and prosecute according to law any persons violating the laws of the state."⁴ The governor is thus authorized to call into the state service such local police "and any other persons" whom he might employ at any time when he has reason to suspect "at any place within the state, the outbreak of any riot, rout, tumult, insurrection, mob, or combination, to oppose the enforcement of the laws or to break the peace by force or violence which cannot be speedily suppressed or effectually prevented by the ordinary *posse comitatus* and peace officers."

Not only when the enforcement of the state laws are apt to be opposed, but also when the local municipal ordinances are apt to be violated, the governor may call into state service the local police to assist other local police officers when they cannot cope with the danger. "It shall be the duty of all police officers and patrolmen when called upon by the governor or directed by the city authorities to obey the orders and directions of the governor and of the city authorities and to proceed to the place where the services are needed." Such police "shall be deemed and treated as legal officers of the state and county where acting."

When called upon by the governor, the municipal officials are required to furnish policemen and send them to any locality that the governor may command. When in the opinion of the governor, this state police is not sufficient to master an emergency, "the governor may in his discretion employ such additional men as he may deem necessary to be sent to the locality where needed to preserve the peace." In his discretion, the governor may "place them under the orders and discretion of the sheriff of the county, or of the mayor of the city, if the locality of their service shall be in an incorporated town or city."

Local police in state service are to be paid on much the same principle as the national guard is paid while in the service of the United States. The Alabama act provides that "any person or official of a city failing, refusing or neglecting to comply with the orders or directions of the governor . . . shall be guilty of a misdemeanor," and "may be punished by imprisonment for not exceeding twelve months at hard labor for the county."

A state police force which is at once well organized and effectively distributed was created by the Tennessee legislature of 1919. It con-

⁴ Alabama, *Session Laws* (1919), No. 170, p. 164.

sists "of not more than 600 regular officers, of the following numbers and grades: Ten district officers, one of whom shall be assigned by the governor to each of the congressional districts of the state; one county officer for each of the 96 counties of the state, and 494 sectional officers, to be appointed from the several counties as the governor may in his discretion think proper, and such special officers as may be necessary to be appointed to meet an emergency."⁵

All officers of the Tennessee state police are appointed and commissioned by the governor. All policemen are engaged for a term of six years. The officers receive from \$2.25 to \$3.00 a day, and traveling expenses according to whether they are county or district officers.

The general duty of each state police officer is "to suppress all affrays, riots, routs, unlawful assemblies, or other acts of actual or threatened violence to persons or property." Coöperation of the civil departments of the state government with the state police is guaranteed. Specifically speaking "any department of the state government may be designated by the governor as the department through which he shall carry out and execute the provisions" of the law, "and as the repository and custodian of the records required to be filed," and "whenever the state police or any part thereof, are placed upon active duty by order of the governor, he may place them under the direction and command of any officers of the state government." This might include the district attorneys-general as well as the other state officers.

The governor of Tennessee has direct command of the state police, just as he has direct command of the state militia, but the police must coöperate with the county officers when they are sent to a locality for special duty. While in such a locality, "their authority and power shall not be superior to the powers and authority of the sheriff as the principal officer of the peace of his county, but the protection afforded to the safety of persons and property shall be in addition to the protection of the sheriff in each county." In this manner, the state police may act as a link between the state civil departments and the county authorities for the achievement of a common object.

In the Northwest, Idaho has followed the direction of the South Dakota law of 1917, by creating a centralized and consolidated state constabulary to consist of "the department of law enforcement and all officers of the state, counties and municipalities who possess the power of peace officers . . . for the purpose of coöperating with and

⁵ Tennessee, *Public Acts* (1919), ch. 96, p. 231.

assisting the governor in the performance of his constitutional duty of seeing that all of the laws are faithfully executed.”⁶ For this purpose the department of law enforcement is given, among other powers, authority to enforce the temperance and criminal laws of the state, to detect and investigate crime, suppress riots, prevent affrays, prevent wrongs to children and dumb animals, to enforce laws for the care of dependent and neglected children, and laws for the maintenance of morality, “to order the abatement of public nuisances, and to enforce such orders by appropriate procedure in the courts.” To carry out these provisions “any officer or employee of the state may in addition to his other duties be deputized as, and exercise the powers of, a state policeman,” and the commissioner of law enforcement may call to the assistance of the state constabulary any other person.

Although the Idaho state constabulary is under the department of law enforcement, it is given jurisdiction and power to act anywhere in the state, and the members of the constabulary “shall furnish the department of law enforcement from time to time, such information regarding conditions in their several jurisdictions as may be required, and it shall be their duty to inform themselves of all violations of the criminal laws of this state, to notify the prosecuting attorney thereof, to file criminal complaints therefor, and to arrest and assist in the prosecution of persons charged therewith.” The Idaho legislature appropriated \$50,000 for the carrying out of the provisions of the state constabulary act.

The California legislature of 1917 authorized the creation of a state bureau of criminal identification and investigation, under the supervision of a board of three managers appointed by the governor.

In 1919, the legislature of Connecticut organized a state police system which is something of a miniature of the larger organizations of Pennsylvania and Texas. The Connecticut organization consists of one superintendent of state police and a squad of from five to fifteen state policemen, including one captain, one lieutenant, and one sergeant. The superintendent is to hold office for two years, but the policemen serve during the pleasure of the state commissioners. The superintendent is given authority to discharge not more than five of his subordinates for inefficiency. General offices in the capitol of the state are provided for the police department, and \$3000 is allowed for office assistance.

⁶ Idaho, *Session Laws* (1919), ch. 103, p. 368.

The department of police is required to assist the governor, state's attorneys, coroners, the superintendent of fisheries and game, and other state prosecuting officers in the detection and prosecution of crime. Each state policeman "shall have, in any part of the state, the same power with respect to criminal matters and the enforcement of the law relating to intoxicating liquors and gaming, as sheriffs, police or constables have in their respective jurisdictions"⁷ and "whenever the state policemen shall not be engaged in any specific work . . . they shall . . . use their best endeavors to prevent crime, preserve the peace of the state, and secure the detection, arrest and conviction of offenders." Sheriffs, municipal policemen, and constables may be called upon to assist the state police, and shall be paid for such service, not more than \$5.00 a day and expenses.

The annual salary of the superintendent of the Connecticut state police is not to exceed \$4000; that of a captain, \$2700; of a lieutenant, \$2300; of a sergeant, \$2100. The other policemen are not to receive more than \$5.00 a day.

In Texas an act was passed in 1919 "for the reorganization of the State Ranger Force for the Protection of the Frontier and suppression of lawlessness throughout the State."⁸ The reorganized ranger force is to consist of "one headquarters company, and four companies of mounted men, except in cases of emergency, when the governor shall have authority to increase the force to meet extraordinary conditions. The headquarters company shall consist of one captain, who shall be designated the senior captain of the force, one sergeant, and not to exceed four privates." The new companies are to contain only fifteen privates instead of twenty as theretofore.

The direction of the force is centralized. The governor is required to appoint a captain "who shall discharge the duties of a quartermaster, commissary and paymaster." The entire ranger force "shall always be under the command of the Governor; to be operated under his direction in such manner, in such detachments, and in such localities as the governor may direct, acting by and through the Adjutant General" and the governor is authorized to keep this force in the field just as long as he may deem it wise to do so.

Both the officers and the men are to be appointed by the governor. The officers may be removed at the governor's pleasure, but the enlisted men are appointed for two years service, unless sooner removed for

⁷ Connecticut, *Session Laws* (1919), ch. 297, p. 2971.

⁸ Texas, *General Laws* (1919), ch. 144, p. 263.

cause by either the governor or the adjutant general. As in 1901, the governor and the adjutant general have direct control of the government and discipline of the rangers, but the new law requires that applications for appointment be made directly to the governor. No person is to be appointed to the Texas ranger force who is not a citizen of the United States. Preference for appointment is to be given to honorably discharged soldiers of the United States Army.

The captains are to receive monthly \$150; sergeants \$100; privates \$90. An increase in salary of fifty per cent is to be given after the first two years of service; and additional increases of five per cent for each succeeding year of service are to be given until the pay shall in this manner have been increased twenty per cent. An allowance of \$30 a month is provided for subsistence of members while on duty at their station. An allowance of \$3 a day is provided for the ranger when on duty outside of his district. Each ranger is required, as formerly, to furnish his own horse, while the state furnishes him with arms and equipment.

As formerly, the Texas rangers are "clothed with all the powers of peace officers, and shall aid the regular civil authorities in the execution of the laws. They shall have authority to make arrests, and to execute process in criminal cases, and in such cases they shall be governed by law regulating and defining the powers and duties of sheriffs when in discharge of similar duties; except that they shall have the power and shall be authorized to make arrests, and to execute all process in criminal cases in any county in the State." The rangers are permitted to accept volunteer aid from citizens, in the apprehension of criminals, but no provision is made for the pay of such citizens for their aid.

Closely akin to the reorganization of the Texas rangers is a similar reorganization of the Pennsylvania state police. More extensive in detail than the Texas legislation, but quite similar in general plan, the Pennsylvania act of 1919 involves many new police duties, including a bureau of fire protection. A superintendent of the department of state police is appointed by the governor. His salary is \$6000 a year. This superintendent appoints his own deputy superintendent, who receives \$4000 a year. He also appoints a chief of the bureau of fire protection who receives \$4000 a year, and who performs such duties as the superintendent may prescribe. Clerical employees of the department of police are appointed by the superintendent. The superintendent of police is empowered to appoint the entire police force, and have supreme control over them, subject to the approval of the governor.

The police force consists of five troops. Each troop is to have a captain, lieutenant, a first sergeant with fifteen other noncommissioned officers, and sixty-five privates. The members enlist for two years. They must be between the ages of twenty-one and forty years, and able to ride horseback. The annual pay of the privates is \$1200; noncommissioned officers, \$1350 to \$1500; commissioned officers, \$1800 to \$2400.

The superintendent of police provides for the equipment of the organization, including horses and motor vehicles, where it is deemed necessary. He must also establish local headquarters in various places, and distribute the policemen throughout the commonwealth in various sections where they are most needed.

The powers of the Pennsylvania state police are sufficient to cope with any potential local emergency. The various members are "authorized and empowered to make arrests without warrant for all violations of the law which they may witness, and to serve and execute warrants issued by the proper local authorities,"⁹ and they are granted "all the powers and prerogatives conferred by law upon members of the police force of cities of the first class and upon constables of the Commonwealth."¹⁰ They are required "to aid in the enforcement of all laws relating to game, fish, forestry, and water supply. Members of the State Police Force are authorized and empowered to act as game-protectors and as forest- fish- or fire wardens." They are permitted to "seize all guns, boats, decoys, traps, dogs, game, fish, shooting paraphernalia, or hunting or fishing appliances or devices, used, taken, or had in possession, contrary to law." They may "search without warrant any boat, conveyance, vehicle, or receptacle, when there is good reason to believe that any law has been violated," and they may serve subpoenas issued for any investigation or trial pursuant to such powers.

With the approval of the governor, the state police "may be called upon, by any other department of the state government, to enforce all laws applicable or pertaining to such department or any regulation thereof." Whenever possible, they are required to "coöperate with counties and municipalities in the detection of crime, the apprehension of criminals, and preservation of law and order throughout the state."

⁹ Pennsylvania, *Session Laws* (1919), No. 179, p. 368.

¹⁰ This power was utilized on November 29, 1920, when the Pennsylvania state police quelled a riot in Carlisle, Pa.

The department of state police is required to "collect and classify and keep at all times available complete information useful for the detection of crime and the identification and apprehension of criminals. Such information shall be available for all police officers within the Commonwealth." The department of police is also required to make a report to the governor biennially. Barracks for the policemen, with stables adjacent are to be provided near the state capitol.

This reorganized state police of Pennsylvania assumes all the former duties and books of the state fire marshal, which position is abolished. "The Superintendent of the State Police may appoint and remove the chief of the fire department of any county, city, borough, town, or township, where a fire department is established and may appoint individual citizens as assistants to the department."¹¹ The police "may adopt and enforce rules and regulations governing" the use and storage of any inflammable or combustible materials, and investigate the circumstances of every fire that has endangered life or property. They may inspect buildings whenever necessary, order their removal or their improvement against the danger of conflagration.

In consultation with the state superintendent of public instruction, the department of police may decide upon "books of instruction, for use in the public and private schools, of students of all grades, with regard to the dangers of fire and the prevention of fire waste." The state police is thus given specific power over fire prevention.

Michigan authorized a force of state police as a war measure, and, in 1919, created a permanent department of state police.¹² The commanding officer is appointed by the governor, at a salary of \$4000 a year. He appoints one officer as adjutant and quartermaster, five captains, six lieutenants, sixteen sergeants, twenty corporals, and one hundred and fifty-four troopers. Applicants must be citizens of the United States, of sound constitution, able to write, of good moral character and not less than twenty-one years of age; and must pass a satisfactory physical and mental examination. Officers are commissioned by the governor, and may be dismissed only for inefficiency or misconduct, and with the approval of the governor. Troopers may be dismissed by the commanding officer whenever he deems such proposed dismissal necessary for the efficiency of the service.

The several officers and members of the force are vested with all the powers of deputy sheriffs in the execution of the criminal laws of the

¹¹ Pennsylvania, *Session Laws* (1919), No. 286, p. 710.

¹² Michigan, *Public Acts* (1919), p. 45.

state, and of all laws for the discovery and prevention of crime, and have authority to make arrests without warrants for all violations of the law committed in their presence, including laws designed for the protection of the public in the use of the highways of the state, and to serve and execute all criminal process. It is the duty of the state police force to coöperate with other state authorities and with local authorities in detecting crime, apprehending criminals, and preserving law and order throughout the state.

Activities of this force have included the suppression of gambling and riots, fighting forest fires, and the apprehension and arrest of fruit thieves and robbers.

Resembling the state police in this country are the Canadian provincial police, recently established in Alberta and Manitoba. The Alberta acts of 1917, 1919 and 1920, created the Alberta police force, with central headquarters in the city of Edmonton. The control of this force is vested in "the Attorney-General, or such other Minister as may from time to time be appointed by the Lieutenant Governor in Council," but the direction of the force is centralized in a commissioner who is also appointed by the lieutenant governor in council.

The commissioner's power over the provincial police force is almost absolute. He is empowered to "appoint such persons and make such distinctions in rank as in his opinion shall be necessary for the efficient working of the force, and he shall appoint such number of provincial constables as he thinks proper from time to time, not exceeding in all five hundred men, and may employ any other persons to do such acts, matters and things as may be necessary for the efficient working of the force." He has much to do in regard to the salaries of the members and he "may make, alter and rescind regulations affecting the government, discipline and guidance of the force."¹³ He engages every member of the force for a period of not less than two years, but he may suspend or discharge a member at any time. His authority was further augmented by the Alberta legislature of 1920, when that body enacted that the commissioners should "have power at any time upon the consent either verbal or written, of the mayor, chief of police or reeve of any municipality, to require or command the services of any member or members of the municipal police force of such municipality as he may deem necessary for service in any part of the province outside the boundaries of such municipality, and each such member of any municipal police force, while so serving shall be under the authority of

¹³ *Alberta Statutes* (1919), ch. 26, p. 172.

the Commissioner, and shall have all the powers of a member of the provincial force, and shall be a member of the Provincial Police Force within the meaning" of the police acts. Furthermore, the commissioner is authorized to notify the mayor or other police official of any municipality "that he has assumed the conduct of the investigation or prosecution of a crime committed in the vicinity of any municipality, and thereafter it shall be the duty of any member of such municipal police force to render to the commission or any member of the Provincial Police Force charged with the investigation or prosecution of such crime all possible assistance and information and to carry out and obey the orders of the Commissioner or such member of the provincial force in charge of such investigation or prosecution."

Every member of the Alberta police force is a game and fire guardian; school attendance officer; inspector respecting noxious weeds; and has powers over the speed and operation of motor vehicles, theatres, billiard rooms, and factories. The members are required in cases where necessary, to apprehend criminals, convey convicts, prevent impending crime, and to execute warrants. Special power is given the provincial policemen to enforce the provincial liquor laws. They may when the commissioner so orders, break and enter any building or other place, stop vehicles or other means of conveyance, and seize any liquor that they may find. They may be authorized to arrest and search individuals suspected of having liquor on their persons.

The 1920 legislative session of Manitoba reconstituted the Manitoba provincial police as established in 1913, so that that force will be organized almost exactly as the Alberta police, but "the number of the constables on the force shall not at any time exceed one hundred."¹⁴ The lieutenant governor in council is authorized to provide offices and lock-ups and other accommodations required by the force. It is made the duty of every person in the province "when called upon by any peace officer or member of the force, promptly to aid and assist him in the execution of his duties."¹⁵ Punishment is provided for the failure of a person to do so.

It would thus seem from the recent legislation that the Texas rangers, the Pennsylvania and Michigan police, and the Canadian provincial police, have become organized on very similar lines, and that each has benefited by the previous experience of the other.

¹⁴ *Alberta Statutes* (1920), ch. 8, p. 48.

¹⁵ *Manitoba Legislative Acts* (1920), ch. 102, p. 320.

In several other states there is an active movement for the establishment of state police forces. In Massachusetts a special commission on state constabulary was provided in 1917, which recommended that the existing district police be abolished, that its inspectorial duties be assumed by other state authorities, and that its police duties be transferred to a new state-wide police system, composed of policemen chosen from the ranks of city policemen now in active service, by a state commissioner of police. In 1920, probably influenced by the Boston police strike of September, 1919, the legislature passed a resolution providing: "that the adjutant general and the commissioner of public safety shall investigate the advisability, practicability, and cost of establishing a state police force."¹⁶ This commission is to make a report to the next general court. In the meantime, the present police forces of the cities are authorized to coöperate by the provision that "the mayor of a city and selectmen of a town may, upon the requisition of the mayor and aldermen of another city or the selectmen of another town, provide police officers who shall have the authority of constables and police officers within the limits of such city, and town, except as to the service of civil process."¹⁷

Proposals for a state police force were introduced into each house of the Illinois general assembly in 1919, but were defeated. An active propaganda in favor of state police legislation has been going on in Illinois since 1919; and bills for the establishment of such a police force will be again proposed in the session of 1921.

The governor of Alaska has drafted a bill for a territorial police force, which he has asked Congress to enact. More or less activity in favor of a state police system is also reported in a number of other states.¹⁸

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¹⁶ *Massachusetts Acts and Resolves*, 1920, p. 575.

¹⁷ *Ibid.*, ch. 591, sec. 13.

¹⁸ *Journal of Criminal Law and Criminology*, Vol. 11, p. 453 (November, 1920).